

**REMARKS**

Applicants wish to thank the Examiner for indicating that the subject matter of claim 5 would be allowable if placed in independent form.

**The Section 103 Rejections based on Hojo et al.**

Claims 1-4 and 6-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Applicants' alleged admitted prior art ("AAPA") in view of U.S. Patent No. 6,493,350 to Hojo et al. ("Hojo"). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Notwithstanding the fact that Applicants disagree that their specification includes an admission of prior art, Applicants disagree that the Examiner's combination of such alleged AAPA and Hojo suggests the subject matter of claims 1-4 and 6-14 in such a manner that it renders them obvious under 35 U.S.C. §103(a) of the federal patent statutes.

In the Office Action, the Examiner admits that the AAPA does not disclose the feature of "having neighboring nodes negotiate a predefined sequence to assign a link resource." To overcome this deficiency, the Examiner cites Hojo.

Applicants note that the claims have been amended to indicate that the assignment of such a link resource, using at least one predefined sequence, is to "avoid contention associated with" a connection request.

In contrast, there is no disclosure or suggestion in Hojo that its so-called "band control units" 1901 or 2204 read its "wavelength control tables" in a predefined sequence to avoid contention associated with connection requests.

In fact, there is no mention of the receipt of such connection requests by a node within Hojo.

Accordingly, because the combination of the AAPA and Hojo do not suggest the subject matter of claims 1-4 and 6-14, Applicants respectfully request withdrawal of the pending rejections and allowance of these claims.

**The Section 103 Rejections Based on the AAPA and Beshai et al.**

Claims 1-6, 8 and 12 were also rejected under 35 U.S.C. §103(a) as being obvious over the AAPA in view of U.S. Patent No. 6,882,799 to Beshai et al. ("Beshai"). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Each of the claims of the present invention include the feature of, among other things, assigning a link resource for connecting a neighboring node to a node in a network using at least one predefined sequence to avoid contention associated with a connection request, where the sequence resulted from a negotiation with a neighboring node prior to receipt of the request.

Though it appears that Beshai discloses the receipt of a connection request and the subsequent selection of a port to establish a connection between an "ingress edge module" and an "egress edge module", this selection occurs after the receipt of a connection request (see, for instance, column 12, lines 25 through column 13, line 67). In contrast, the predefined sequences of the claims of the present invention result from negotiations which occur prior to the receipt of connection requests.

Accordingly, Applicants respectfully submit that the combination of the AAPA with Beshai does not suggest the subject matter of claims 1, 6, 8 and 12 and therefore respectfully request withdrawal of the pending rejections and allowance of claims 1, 6, 8 and 12.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

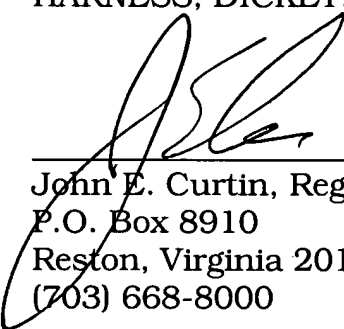
In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



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John E. Curtin, Reg. No. 37,602  
P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

JEC:psy